

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADVANCE TRUST & LIFE ESCROW SERVICES, LTA, AS
NOMINEE OF LIFE PARTNERS POSITION HOLDER
TRUST, and JAMES KENNEY, on behalf of themselves and all
others similarly situated,

Plaintiffs,

-against-

PHL VARIABLE INSURANCE COMPANY,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/23/2020

18-cv-3444 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On November 23, 2020, the Court held a conference regarding (1) Plaintiffs' motion to compel non-party Milliman to produce documents withheld or redacted as privileged [ECF #159, 163, 186, 173]; (2) motions to seal various documents filed in connection with that motion [ECF #158, 166, 170]; and (3) requests to file a second amended complaint and extend the discovery schedule. As the Court explained at the conference, defendant has failed to meet its burden of proving that the documents are subject to attorney client privilege. Accordingly, IT IS HEREBY ORDERED that all Milliman documents withheld as privileged shall be produced. IT IS FURTHER ORDERED that, by November 30, 2020, the parties shall file on the public docket unredacted copies of all filings submitted in connection with the motion to compel. However, in the event that there are a limited number of documents which the parties believe qualify for an exception to the policy favoring public access to judicial documents, the Defendant may submit those document to Chambers, via email by November 30, 2020, for *in camera* review before publicly filing those documents. IT IS FURTHER ORDERED that leave to file a second

amended complaint is DENIED. The Court will enter the revised Scheduling Order and Case Management Plan discussed at the conference.

The Clerk of Court is respectfully directed to terminate the motions pending at docket entries 158, 159, 166, 169, 170, and 177.

SO ORDERED.

Date: November 23, 2020
New York, NY

Mary Kay Vyskocil
MARY KAY VYSKOCIL
United States District Judge